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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,186

04/16/2004

Jeffrey Karl Sutton

DEP5249

9801

27777 7590 10/17/2007
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EXAMINER

BLANCO, JAVIER G

ART UNIT

PAPER NUMBER

3774

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/826,186 *4/16/2004* *Sutton et al.* *DEP 5249*

EXAMINER

J. G. Blanco

ART UNIT	PAPER
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3774 20071011

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1, 3, 4, 9-11, 13, 15, and 19 in the reply filed on August 9, 2007 is acknowledged.
2. Applicant's cancellation of claims 24-27 in the reply filed on May 16, 2007 is acknowledged.
3. Applicant's cancellation of claims 2, 5-8, 12, and 47 in the reply filed on August 9, 2007 is acknowledged.

Non-Responsive Amendment

4. The reply filed on August 9, 2007 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
 - a. The current copy (filed August 9, 2007) of claim 1 does not match the previous copy (filed May 16, 2007) of claim 1. There are portions that instead of being ~~strikethrough~~, they were completely deleted.

As a few examples of those portions that were deleted (instead of been ~~strikethrough~~): **"a first prosthetic endplate"; " b) a second prosthetic vertebral endplate comprising: i) an outer surface adapted to mate with a second vertebral body, and ii) an inner surface comprising a first articulation surface, c) a core member comprising: i) a first articulation surface adapted for articulation with the first articulation surface of the first endplate, and ii) a second articulation surface adapted for articulation with the first articulation surface of the second endplate"**, among other portions that were completely deleted from the claim. This does

Art Unit: 3738

not comply with 37 CFR 1.121. The Applicant is respectfully required to review (and compare) previous copy of claim 1 to current copy of claim 1.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:00 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3738

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javier G. Blanco

October 10, 2007

A large, stylized handwritten signature in black ink, consisting of a large 'J' and 'B' intertwined.A handwritten signature in black ink, appearing to read 'D. Willse'.

David H. Willse
Primary Examiner